IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 8:10CR184)
vs.) ORDER
DAVID L. MUSK,)
Defendant.)

This matter is before the court on the oral motion to continue by defendant David L. Musk (Musk). The motion was made by counsel for Musk, James M. Davis, during a telephone conference with the court and counsel for the government, Frederick D. Franklin, on January 13, 2012. Musk seeks additional time for his forensic accountant to complete his financial report. Government's counsel had no objection. During the conference, the court examined the accountant, Robert Kirchner, as to the remaining examination required. Upon consideration, Musk's motion to continue trial will be granted. Musk shall file an affidavit consenting to the motion and acknowledging the additional time will be excluded under the Speedy Trial Act.

No further motions for continuances of this trial will be considered unless there is a showing by affidavit that a manifest injustice would occur if the motion were denied.

IT IS ORDERED:

- 1. Musk's oral motion to continue trial is granted.
- 2. Trial of this matter is re-scheduled for **April 9, 2012**, before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 13, 2012**, **and April 9, 2012**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

IT IS FURTHER ORDERED:

A pretrial conference with counsel will be held before the undersigned magistrate judge in Courtroom No. 7, Second Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at 10:00 a.m. on March 26, 2012, for the purpose of facilitating the admission of documentary exhibits at trial and other evidentiary matters. The defendant shall be in attendance at the conference.

DATED this 13th day of January, 2012.

BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge